

Title 33
ENVIRONMENTAL QUALITY
Part VII.Solid Waste

Chapter 15. Construction/Demolition Debris and Woodwaste Landfills and Processing Facilities

§1501. Part I: Permit Application Form

The applicant shall complete a standard permit application Part I Form (Appendix B). The following subsections refer to the items on the form requiring that information:

- A. name of applicant (prospective permit holder) applying for a standard permit;
- B. facility name;
- C. description of the location of the facility (identify by street and number or by intersection of roads, or by mileage and direction from an intersection);
- D. geographic location (section, township, range, and parish where the facility is located, and the coordinates [as defined by the longitude and latitude to the second] of the centerpoint of the facility);
- E. mailing address of the applicant;
- F. contact person for the applicant (position or title of the contact person is acceptable);
- G. telephone number of the contact person;
- H. type and purpose of operation (check each applicable box);
- I. status of the facility (if leased, state the number of years of the lease and provide a copy of the lease agreement);
- J. operational status of the facility;
- K. total site acreage and the amount of acreage that will be used for processing and/or disposal;
- L. list of all environmental permits that relate directly to the facility represented in this application;
- M. a letter attached from the Louisiana Resource Recovery and Development Authority (LRRDA) stating that the operation conforms with the applicable statewide plan. (Note: In accordance with R.S. 30:2307.B, this regulation does not apply to solid waste disposal activity occurring entirely within the boundaries of a plant, industry, or business which generates such solid waste);

N. zoning of the facility (if the facility is zoned, note the zone classification and zoning authority, and include a zoning affidavit or other documentation stating that the proposed use does not violate existing land-use requirements);

O. types, maximum quantities (wet tons/week), and sources (percentage of the on-site or off-site-generated waste to be received) of waste to be processed or disposed of by the facility;

P. indicate the specific geographic area(s) to be serviced by the solid waste facility;

Q. attach proof of publication of the notice regarding the submittal of the permit application as required in LAC 33:VII.513.A;

R. provide the signature, typed name, and title of the individual authorized to sign the application. Proof of the legal authority of the signatory to sign for the applicant must be provided; and

S. any additional information required by the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§1403 Part II: Supplementary Information

All responses and exhibits must be identified in the following sequence to facilitate the evaluation. If a section does not apply, the applicant must state that it does not apply and explain why.

A. Location Characteristics.

1. Area Master Plans—A location map showing the facility, road network, major drainage systems, drainage-flow patterns, location of closest population center(s), location of the 100-year flood plain, and other pertinent information. The scale of the maps and drawings must be legible, and engineering drawings or USGS maps are required.

2. A letter from the appropriate agency or agencies regarding those facilities receiving waste generated off-site, stating that the facility will not have a significant adverse impact on the traffic flow of area roadways and that the construction, maintenance, or proposed upgrading of such roads is adequate to withstand the weight of the vehicles.

3. Existing Land Use. Processing or disposal facilities may be subject to a

comprehensive land-use or zoning plan established by local regulations or ordinances. A description of the total existing land use within three miles of the facility (by approximate percentage) including, but not limited to:

- a. residential;
- b. health-care facilities and schools;
- c. agricultural;
- d. industrial and manufacturing;
- e. other commercial;
- f. recreational; and
- g. undeveloped.

4. Aerial Photograph. A current aerial photograph, representative of the current land use, of a one-mile radius surrounding the facility. The aerial photograph shall be of sufficient scale to depict all pertinent features.

5. Environmental Characteristics.

a. a list of all swamps, marshes, wetlands, estuaries, wildlife-hatchery areas, habitat of endangered species, publicly owned recreation areas, known historic sites, archaeologic sites, designated wildlife-management areas, and other sensitive ecologic areas within 1,000 feet of the facility perimeter or as otherwise appropriate. These and other similar critical environmental areas shall be isolated from the facility by effective barriers.

b. documentation from the appropriate state and federal agencies substantiating the historic sites, recreation areas, archaeologic sites, designated wildlife-management areas, wetlands, habitats for endangered species, and other sensitive ecologic areas within 1,000 feet of the facility; if any exist, and

c. a description of the measures planned to protect the areas listed from the adverse impact of operation at the facility.

d. A wetlands demonstration, if applicable.

e. Demographic Information. The estimated population density within a three mile radius of the facility boundary, based on the latest census figures.

B. Facility Characteristics. A facility plan, including drawings and a narrative, describing the information required below must be provided.

1. Elements of the process employed, including, as applicable, property lines, original contours (shown at not greater than five-foot intervals), buildings, units of the facility, drainage, ditches and roads;

2. Perimeter Barriers, Security, and Signs

a. Facilities must have a perimeter barrier around the facility that prevents unauthorized ingress or egress, except by willful entry.

b. Each facility entry point shall be continuously monitored, manned, or secured.

c. Facilities that receive wastes from off-site sources shall post readable signs that list the types of wastes that can be received at the facility.

3. Buffer zones

a. Buffer zones of not less than 50 feet shall be provided between the facility and the property line. A reduction in this requirement shall be allowed only with the permission, in the form of a notarized affidavit, of the adjoining landowner(s) including all landowners if in *in division*. A copy of the notarized affidavit waiving the 50-foot buffer zone shall be entered in the mortgage and conveyance records of the parish for the adjoining landowner's property. Buffer zone requirements may be waived or modified by the administrative authority in accordance with LAC 33:VII.307.

b. No storage, processing, or disposal of solid waste shall occur within the buffer zone.

4. Fire Protection and Medical Care. All facilities shall have access to required fire protection and medical care, or such services shall be provided internally.

5. Landscaping. All proposed facilities, other than those that are located within the boundaries of a plant, industry, or business that generates the waste to be processed, must provide landscaping to improve the aesthetics of the facility.

6. Receiving and Monitoring Incoming Wastes

a. Each processing or disposal facility shall be equipped with a device or method to determine quantity (by wet-weight tonnage), sources (whether the waste was generated in-state or out-of-state), and types of incoming waste. The facility shall also be equipped with a device or method to control entry of the waste and prevent entry of unrecorded or unauthorized deliverables (i.e., hazardous, unauthorized, or unpermitted solid waste).

b. Each processing or disposal facility shall be equipped with a central control and recordkeeping system for tabulating the information required in Subsection B.5.a. of this Section.

7. Permitted discharge points (existing and proposed); and

8. Other features, as appropriate.

C. Facility Surface Hydrology.

1. Facilities located in a flood plain, wetlands, or areas historically subject to overflow from floods must be filled to bring site elevation above flood levels or otherwise protected by measures approved on a site-specific basis. Perimeter levees or other measures must provide and maintain adequate protection against the 25-year flood elevation.

2. Facilities located in or within 1,000 feet of an aquifer recharge zone shall be designed to protect the areas from adverse impacts of operations at the facility.

3. Surface-runoff-diversion levees, canals, or devices shall be installed to prevent drainage from the units of the facility to adjoining areas and to prevent surface drainage through the operating areas of the facility.

4. If the facility is located in a flood plain, a plan must be submitted to ensure that the facility does not restrict the flow of the 100-year base flood or significantly reduce the temporary water-storage capacity of the flood plain, and documentation indicating that the design of the facility is such that the flooding does not affect the integrity of the facility or result in the washout of solid waste so as to pose a threat to human health and the environment.

5. Runoff from operating areas or areas which contain solid waste shall be considered contaminated and shall not be allowed to mix with noncontaminated surface runoff.

a. Provide a description of the facility runoff/run-on collection system;

b. Discharges from operating units of all facilities must be controlled and must conform to applicable state and federal laws including the federal Clean Water Act and Louisiana Water Pollution Control Law.

c. Applications for applicable state and federal discharge permits must be filed before a standard permit may be issued.

6. A run-on control system shall be installed to prevent run-on during the peak discharge from a 24 hour 25 year storm event.

7. The topography of the facility shall be graded to provide for drainage to prevent standing water and shall allow for drainage away from the facility.

D. Facility Geology.

1. Except as provided in Subsection D.2 of this Section, facilities shall have natural stable soils of low permeability for the area occupied by the solid waste facility, including vehicle parking and turnaround areas, that should provide a barrier to prevent any penetration of surface spills into groundwater aquifers underlying the area or to a sand or other water-bearing stratum that would provide a conduit to such aquifers.

2. A design for surfacing natural soils that do not meet the requirement in Subsection D.1 of this Section shall be prepared and installed under the supervision of a registered engineer, licensed in the state of Louisiana, with expertise in geotechnical engineering and geohydrology. Written certification by the engineer that the surface satisfies the requirements of Subsection D.1 of this Section shall be provided.

3. general description of the soils provided by a qualified professional (a geotechnical engineer, soil scientist, or geologist) along with a description of the method used to determine soil characteristics; and

4. logs of all known soil borings taken on the facility and a description of the methods used to seal abandoned soil borings.

E. Facility Plans and Specifications.

1. Certification— Plans, specifications, and operations represented and described in the permit application or permit modifications for all facilities must be prepared under the supervision of and certified by a registered engineer, licensed in the state of Louisiana. The person who prepared the permit application must provide the following certification:

"I certify under penalty of law that I have personally examined and I am familiar with the information submitted in this permit application and that the facility as described in this permit application meets the requirements of the Solid Waste Rules and Regulations. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment."

2. The following information is required on plans and specifications.

a. approximate dimensions of daily fill and cover;

b. type of cover material and its source for daily, interim, and final cover.

Calculations shall be submitted demonstrating that an adequate volume of material is available for daily, interim and final cover.

c. Cover material must:

i. minimize vector-breeding areas and animal attraction by controlling:

(a). fly, mosquito, and other insect emergence and entrance;

(b). rodent burrowing for food and harborage; and

(c). bird and animal attraction;

- ii. control leachate generation by:
 - (a). minimizing external moisture infiltration;
 - (b). minimizing erosion;
 - (c). utilizing materials with minimum free-liquid content and minimum concentrations of constituents monitored in leachate;
 - iii. reduce fire-hazard potential by minimizing inward movement of atmospheric oxygen;
 - iv. minimize blowing paper and litter;
 - v. reduce noxious odors by minimizing outward movement of methane and other gases;
 - vi. provide aesthetic appearance to the landfill operation; and
 - vii. allow accessibility regardless of weather.
- d. Wastes shall be deposited in the smallest practical area each day and compacted. The wastes shall be covered with silty clays applied a minimum of 12 inches thick, at least every 30 days.

3. Levee Construction

- a. Levees or other protective measures must be constructed adjacent to the facility in order to provide an adequate freeboard above the 100-year flood elevation.
- b. The perimeter levees of all facilities shall be engineered to minimize wind and water erosion and shall have a grass cover or other protective cover to preserve structural integrity.

G. Facility Administrative Procedures

1. Recordkeeping and Reports

- a. The permit holder shall submit annual reports to the administrative

authority indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. All calculations used to determine the amounts of solid waste received for processing or disposal during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Department.

b. The reporting period for the Processor and/or disposer annual report shall be from July 1 through June 30, commencing July 1, 1992, and terminating upon closure of the facility in accordance with the permit.

c. Annual reports shall be submitted to the administrative authority by August 1 of each reporting year.

d. The annual report is to be provided for each individual permitted facility on a separate annual reporting form.

e. The permit holder shall maintain at an approved designated location all records specified in the application as necessary for the effective management of the facility and for preparing the required reports. These records shall be maintained for the life of the facility and shall be kept on file for at least three years after closure.

f. The permit holder shall maintain records of transporters transporting waste for processing or disposal. The records shall include the date of receipt of shipments of waste and the transporter's solid waste identification number issued by the Department.

g. Records kept on site for all facilities shall include, but not be limited to:

- Regulations;
- i. copies of the applicable Louisiana Solid Waste Rules and
 - ii. the permit;
 - iii. the permit application; and
 - iv. permit modifications.

2. Personnel—an estimate of the minimum personnel, listed by general job classification, required to operate the facility.

a. Facilities shall have the personnel necessary to achieve the operational requirements of the facility.

b. Type III facilities receiving solid waste for processing or disposal shall have the number and levels of certified operators employed at the facility as required by the Louisiana Administrative Code, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Department shall be notified within 30 days of any changes in the employment status of certified operators.

3. maximum days of operation per week and per facility operating day (maximum hours of operation within a 24-hour period).

H. Facility Operational Plans

1. Facility Limitations

a. The receipt of hazardous waste shall be strictly prohibited and prevented. Any other wastes that present special handling or disposal problems may be excluded by the administrative authority.

b. Open burning shall not be practiced unless authorization is first obtained from the administrative authority and any other applicable federal, state, and local authorities.

c. Salvaging shall be prevented unless approved by the administrative authority.

d. Scavenging shall be prevented.

e. The following types of wastes may be disposed of:

i. construction/demolition debris as defined in LAC 33:VII.115 and a maximum of five percent by volume of paper waste associated with such debris;

ii. woodwastes as defined in LAC 33:VII.115; and

iii. yard waste as defined in LAC 33:VII.115.

f. The disposal of liquid waste, infectious waste, residential waste, industrial waste, commercial waste, friable asbestos, and putrescible waste shall be strictly prohibited and prevented.

g. No solid waste shall be deposited in standing water.

2. Facility Operational Plans. Operational plans shall be provided which describe in specific detail how the waste will be managed during all phases of processing operations. At a minimum, the plan shall address:

a. the route the waste will follow after receipt;

b. the sequence in which the waste will be processed or disposed of within a unit;

c. the method and operational changes that will be used during wet weather (particular attention should be given to maintenance of access roads and to water management); and

d. the recordkeeping procedures to be employed to ensure that all pertinent activities are properly documented.

3. Sufficient equipment shall be provided and maintained at all facilities to meet the facility's operational needs.

4. Segregation of Wastes.

a. Waste determined not acceptable at a woodwaste/construction/demolition-debris landfill shall be removed from the facility at least every seven days. Storage of this waste shall be in a closed container that prevents vector and odor problems. The facility shall maintain a log of dates and volumes of waste removed from the facility.

b. Recyclable waste removed from the waste stream shall be stored in a manner that prevents vector and odor problems and shall be removed from the facility at least every 90 days. The facility shall maintain a log of dates and volumes of recycled waste removed from the

facility.

5. Facility Operations, Emergency Procedures, and Contingency Plans

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the administrative authority and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subsection C.6.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the administrative authority.

I. Implementation Plans

1. The implementation plans for all facilities must include the following:

a. a construction schedule for existing facilities which shall include beginning and ending time-frames and time-frames for the installation of all major features. (Time-frames must be specified in days, with day one being the date of standard permit issuance); and

b. details on phased implementation if any proposed facility is to be constructed in phases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

J. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the administrative authority in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

a. date of planned closure, if known;

b. changes, if any, requested in the approved closure plan; and

2. Preclosure Requirements

a. Final cover shall be applied within 30 days after final grades are reached in each unit of a facility. This deadline may be extended by the administrative authority if necessary due to inclement weather or other circumstances.

b. Standing water shall be solidified or removed.

c. The runoff-diversion system shall be maintained until the final cover is installed.

d. The runoff-diversion system shall be maintained and modified to prevent overflow of the landfill to adjoining areas.

e. Insect and rodent inspection is required to be documented before installation of final cover, and extermination measures must be provided, if required, according to the facility inspection.

f. Final machine compacting and grading shall be completed before capping.

3. Closure Requirements

a. Final Cover

i. Final cover shall consist of a minimum of 24 inches of silty clays and six inches of topsoil cover for supporting vegetative growth; however, other covers that provide a more practical answer and satisfy the purposes of minimizing fire hazards, odors, vector food and harborage, and infiltration of precipitation, as well as discouraging scavenging and limiting erosion, may be submitted for approval by the administrative authority.

ii. The side slope should be no steeper than 3(H):1(V) and must have a minimum of a four percent slope on the top of the final cap.

iii. A combination of clay and synthetic material approved by the administrative authority may also be used as final cover.

b. After a closure inspection and approval, the permit holder shall plant a

ground cover to prevent erosion and to return the facility location to a more natural appearance.

c. The permit holder shall update the parish mortgage and conveyance records by entering the specific location of the facility and specifying that the property was used for the disposal of solid waste. The document shall identify the name and address of the person with knowledge of the contents of the facility. A form to be used for this purpose is provided in Appendix F. The facility shall provide the Solid Waste Division with a true copy of the document filed and certified by the parish clerk of court.

4. Upon determination by the administrative authority that a facility has completed closure in accordance with an approved plan, the administrative authority may release the closure fund to the permit holder.

K. Facility Post-closure Requirements

1. The time-frame of post-closure care may be lengthened, if necessary, to protect human health or the environment in accordance with LAC 33:I.Chapter 13.

2. The integrity of the grade and cap must be maintained for no less than three years after the date of administrative authority's approval of the closure of the facility.

3. Annual reports concerning the integrity of the cap shall be submitted to the administrative authority for a period of three years after closure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998).

L. Financial Responsibility. Standards governing financial responsibility are contained in LAC 33:VII.727. A section documenting financial responsibility according to LAC 33:VII.727 which contains the following information, must be included for all facilities:

1. the name and address of the person who currently owns the land and the name and address of the person who will own the land if the standard permit is granted (if different from the permit holder, provide a copy of the lease or document which evidences the permit holder's authority to occupy the property); or

2. the name of the agency or other public body that is requesting the standard permit; or, if the agency is a public corporation, its published annual report; or, if otherwise, the names of the principal owners, stockholders, general partners, or officers;

3. evidence of liability coverage, including:

a. personal injury, employees, and the public (coverage, carriers, and any exclusions or limitations);

b. property damage (coverage and carrier);

c. environmental risks; and

4. evidence of a financial assurance mechanism for closure and/or post-closure care and corrective action for known releases when needed.

M. Special Requirements. The administrative authority may require additional information for special processes or systems and for supplementary environmental analysis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993).

§1405. Part III: Additional Supplementary Information

The following supplementary information is required for all solid waste processing and disposal facilities. All responses and exhibits must be identified in the following sequence to facilitate the evaluation:

A. a discussion demonstrating that the potential and real adverse environmental effects of the facility have been avoided to the maximum extent possible;

B. a cost-benefit analysis demonstrating that the social and economic benefits of the facility outweigh the environmental-impact costs;

C. a discussion and description of possible alternative projects which would offer more protection to the environment without unduly curtailing nonenvironmental benefits;

D. a discussion of possible alternative facilities which would offer more protection to the

environment without unduly curtailing nonenvironmental benefits; and

E. a discussion and description of the mitigating measures which would offer more protection to the environment than the facility, as proposed, without unduly curtailing nonenvironmental benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).